

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM JONES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 08-824
	)	Judge Conti
	)	Magistrate Judge Bissoon
SUPT. LOUIS S. FOLINO, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Presently before the Court is Plaintiff's Motion for Recusal of U.S. Magistrate Judge Bissoon Pursuant to Federal Rule 455 (Doc. 38). The only support for the motion is Plaintiff's allegation that, in ruling on a motion for discovery, the undersigned accused Plaintiff of wanting to deny defendants the opportunity to conduct discovery. Plaintiff asserts that he never made such a request. Plaintiff is simply wrong. His discovery motion specifically requests that the court "allow *him* to file 'only' *focused* production of documents on each defendant named *before allowing any additional discovery.*" (Doc. 29) (emphasis added). Thus, the instant motion lacks any factual basis.

The applicable standard for ruling on a motion for recusal can be found in 28 U.S.C. Section 455(a), which provides that "any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." The relevant inquiry is "whether the record, viewed objectively, reasonably supports the appearance of prejudice or bias." SEC v. Antar, 71 F.3d 97, 101 (3d Cir. 1995). Plaintiff clearly has not and cannot meet this standard. Simply put, the undersigned's ruling on Plaintiff's motion

for discovery cannot reasonably support an appearance of prejudice or bias within the meaning of Section 455(a).

AND NOW, this 22<sup>nd</sup> day of September, 2008,

IT IS HEREBY ORDERED that Plaintiff's Motion for Recusal of U.S. Magistrate Judge Bissoon Pursuant to Federal Rule 455 (Doc. 38) is DENIED.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Cathy Bissoon  
CATHY BISSOON  
UNITED STATE MAGISTRATE JUDGE

**Cc:**  
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